85-92

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NO.

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IN THE SUPREME COURT OF THE
UNITED STATES OF AMERICA
October Term 1984

SCOTT G. EDGERTON,

APPELLANT,

v.

STATE OF DELAWARE,

APPELLEE.

==========

ON DIRECT APPEAL FROM THE SUPREME COURT
OF THE STATE OF DELAWARE
PURSUANT TO ART. III, U.S. CONSTITUTION

==========

JURISDICTIONAL STATEMENT

==========

SCOTT G. EDGERTON
APPELLANT
R.D.#1, BOX 106
KENNEDYVILLE, MD
21645

JULY 16, 1985

60 pp

QUESTIONS PRESENTED

1) Where is the contract between the appellee and the appellant?

2) Where is the "Gotcha"?

3) By what authority has the appellee claimed jurisdiction over the person of the appellant?

4) By what authority have "The Laws of Nature and of Nature's God" been subordinated to man-made statutes?

5) By what authority did the Supreme Court of Delaware dismiss the appellant's Demand?

6) What is the nature and cause of the appellee's claim against the appellant?

LIST OF ALL PARTIES

THE STATE OF DELAWARE,

ATTORNEY GENERAL CHARLES M. OBERLY,III,

THE GRAND JURY OF AND FOR THE COUNTY OF NEW CASTLE, STATE OF DELAWARE,

SUPERIOR COURT JUDGES BERNARD BALICK, and ROBERT C. O'HARA,

SUPREME COURT JUSTICES MOORE, McNEILLY, and HORSEY.

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IN THE SUPREME COURT OF THE
UNITED STATES OF AMERICA

SCOTT G. EDGERTON,

APPELLANT,

v.

STATE OF DELAWARE,

APPELLEE.

ON DIRECT APPEAL FROM THE SUPREME COURT
OF THE STATE OF DELAWARE

JURISDICTIONAL STATEMENT

ORDER APPEALED

The Supreme Court of the State of Delaware entered the following order, which order is the subject of this direct appeal:

"IN THE SUPREME COURT OF THE
STATE OF DELAWARE

"IN RE THE PETITION OF SCOTT G. EDGERTON FOR A WRIT OF PROHIBITION OR IN THE ALTERNATIVE, FOR A WRIT OF INJUNCTION, OR BOTH,	§ § § § § § § §	No. 183, 1985

Submitted: June 11, 1985
Decided: June 14, 1985

Before McNEILLY, HORSEY, and Moore, Justices.

O R D E R

This 14th day of June, 1985, it appears that:

1) The petitioner, SCOTT G. EDGERTON, was indicted by the Grand Jury on three counts of Failure to File a Personel Income Tax Return in violation of 30 Del.C. §1233.

2) The petitioner has filed a document captioned "A Demand for a Writ of Prohibition, or in the alternative, for a Writ of Injunction, or Both" in this Court alleging that the indictment entered

against him was false and fraudulent and should be withdrawn and that the case should be dismissed for lack of jurisdiction.

3) The State has filed an Answer denying that the petitioner has been unlawfully summoned to appear in the Superior Court of the State of Delaware and denying that the petitioner will be deprived of any constitutional rights. The State has also moved to dismiss the petition on the ground that it is clear on its face that the Superior Court has jurisdiction to try criminal charges.

4) It is clear that the Superior Court was exercising original jurisdiction based upon the indictment in the criminal case. Furthermore, the indictment, on its face, alleges an offense. 30 Del.C. §1233.

5) A petition for a Writ of Prohibition lies only to challenge the juris-

diction of the lower court. Matushefske v. Herlihy, Del. Supr., 214 A-2d 883 (1965). It will not lie when there is an adequate remedy such as an appeal. Rodgers v. State, Del. Supr., 457 A.2d 727 (1983); Hodsdon v. Superior Court, Del. Supr., 239 A.2d 222 (1968). Therefore, a Writ of Prohibition is not available to circumvent our general jurisdiction which is limited to the review of Superior Court proceedings in criminal cases, only after they have reached final judgment. Del. Const. Art. IV, §11; Hodsdon, 239 A.2d at 224. The petitioner, if convicted, has adequate remedy of an appeal available for his claims.

6) The alternative claim for an injunction is also inappropriate because a writ of prohibition is the legal equivalent of an injunction. Abrahams v. Superior Court, Del. Supr., 131 A.2d 662, 670-71 (1957). Edgerton's petition must therefore

be dismissed because it is clear on the face of the petition that the Superior Court has jurisdiction to try the criminal charges.

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of prohibition, or in the alternative, for a writ of injunction, or both be, and the same hereby is,

DISMISSED.

BY THE COURT:

/S/ A.G. MOORE II
Justice"

JURISDICTIONAL GROUNDS IN THIS COURT

It is well settled that this Court has appellate jurisdiction over decisions of State Supreme Courts, under Art. III, Sec. 2, U.S. Constitution. The above order, herein on appeal, is effectively a final

order of the Supreme Court of the State of Delaware.

There is at issue the appellant's God-given inalienable rights; his constitutional rights; and his civil rights (A-23, A-28). The appellee disagrees without citing law to back up said disagreement. For instance:

> "The State has filed an Answer denying that the petitioner has been unlawfully summoned to appear in the Superior Court of the State of Delaware and denying that the petitioner <u>will be deprived of any constitutional rights</u>." (emphasis added) [see order on appeal, page 3 above, and A-2]

This Court has jurisdiction to hear this appeal, and also to protect whatever Constitutional rights the appellant is in possession of.

CONSTITUTIONAL PROVISIONS INVOLVED

<u>Art. III, Sec.2, U.S. Constitution,</u>

regarding the appellate jurisdiction of this Court.

*****

Art. I, Sec.8, U.S. Constitution

"Congress shall have Power ...To define and punish ...Offenses against the Law of Nations;..."

One of the reasons for challenging the jurisdiction of the State courts, was "to be informed of the nature and cause of the accusation". [Amendment VI, U.S. Const.] The appellee has failed to inform the appellant whether the Law of Nations is involved in its presumed jurisdiction.

*****

Art I, Sec.10, U.S. Constitution

> "No State shall ... make any Thing but gold and silver Coin a Tender in Payment of Debts; ... pass any ... Law impairing the Obligation of Contracts,"

The State of Delaware may have impaired the Obligation of Contracts. The State of Delaware has certainly made other "things" but gold and silver Coin a Tender in Payment of Debts, since there are no gold or silver Coins currently in circulation in the State.

The appellant needs "to be informed of the nature and cause of the accusation" so that he may determine whether Law Merchant jurisdiction is presumed. The appellee refuses to inform the appellant. Perhaps this Court will inform him of the "nature and cause of the accusation".

*****

Art. III, Sec. 2, U.S. Constitution

"The judicial Power shall extend to ...

> all Cases of admiralty and maritime Jurisdiction; ..."

It has been suggested that the State courts are processing "tax" cases through quasi admiralty and maritime jurisdiction.

The appellant needs "to be informed of the nature and cause of the accusation", and the appellee refuses to inform the appellant. Perhaps this Court will inform him.

*****

Amendment VI, U.S. Constitution

> "In all criminal prosecutions, the accused shall enjoy the right ... to be informed of the nature and cause of the accusation; ..."

The State has failed and refused to inform the appellant of the nature and cause of the accusation, which is why the jurisdiction of the State of Delaware was

challenged in the first place.

*****

"THE LAWS OF NATURE AND OF NATURE'S GOD"

Reference is made to the "Laws of Nature and of Nature's God" in the Declaration of Independence (1776), which is the first Organic Law Of The United States, according to its listing at pages xxxv to xxxvii preceding Title I, U.S.C.

At paragraph 2 of said Declaration, we find the following:

> "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,-..."

The appellant, by Christian birth,

heritage, and faith, is a natural born sovereign individual subject only to the "Laws of Nature and of Nature's God". His rights to Life, Liberty, and the Pursuit of Happiness (Property) are unalienable by man, or by man-made government, provided he does not transgress upon the "Laws of Nature and of Nature's God".

There is no evidence in the papers on appeal to indicate that the appellant has transgressed against any of the "Laws of Nature and of Nature's God".

Furthermore. the appellant has not been accused of any violation of the "Laws of Nature and of Nature's God".

STATEMENT OF THE CASE

The appellant is a natural born real person, who resides in the State of Maryland. He is not enfranchised in any

way by the State of Delaware, to the best of his knowledge. As a natural, free born, real person, the appellant is subject only to the "Laws of Nature and of Nature's God". His is a true sovereign.

For reasons unknown to the appellant, the State of Delaware has chosen to institute a "criminal prosecution" against the appellant. This presents a problem for the appellant, because he does not understand the true nature and cause of the accusation, nor will the State of Delaware [appellee] inform the appellant of the nature and cause of the accusation. The basic question is:

WHERE IS THE CONTRACT?

The appellant has not knowingly, willingly, and voluntarily entered into any contract with the appellee State of

Delaware. Unless it can be shown that a valid contract exists between the appellant and the appellee, which contract grants specific rights over the sovereign appellant to the appellee State of Delaware, the appellee State of Delaware, and any agency thereof, is in Want of Jurisdiction over the person of the appellant.

The appellee PRESUMED that it had jurisdiction over the person of the appellant, when it entrapped its grand jury into returning an indictment. If that PRESUMPTION had not been challenged, then the appellee State of Delaware could have proceeded against the appellant. However, the appellant did challenge the jurisdiction of both the appellee's grand jury indictment and, the jurisdiction of the appellee's court. For instance:

The appellant responded to the

indictment with his Claim And Demand With Notice (A-5 to A-15). In that claim, the appellant noticed the appellee that:

1) The appellant is a sovereign citizen of the State of Maryland. (A-5)

2) The summons was unlawful. (A-5)

3) The indictment was unlawful. (A-6)

4) The grand jury proceedings were unlawful. (A-9)

5) The appellant rejects the EQUITY jurisdiction of the appellee. (A-12)

6) The grand jury was tampered with, by the Attorney General. (A-13)

7) The indictment must be withdrawn and the case dismissed for Want of Jurisdiction. (A-13, A-14)

The appellee has not answered the challenge, nor has it established jurisdiction over the person of the appellant.

Where is the contract between the appellant and the appellee, which grants "criminal jurisdiction" to the appellee? If it is argued that the appellant has in some obscure way, waived his God-given inalienable rights under the "Laws of Nature and of Nature's God", and has become subject to the jurisdiction of the United States of America and the State of Delaware, then the full protections of the Constitution of the United States of America apply to the appellant. In that case, the appellant has the Right "to be informed of the nature and cause of the accusation" against him. [Amendment VI, U.S. Const.]

The appellant admits to having sworn to support and defend the Constitution of the United States of America (A-5) at one time. This was done in conjunction with his service in the military. The appellant

is no longer in military service, nor was he during the period of time involved in this case.

WHERE'S THE "GOTCHA" ?

The Constitution of the United States of America makes provision for:

1. The Law of Nations. [Art. I, Sec. 8]
2. The Law Merchant [Art. 1, Sec 10]
3. Equity, Admiralty, Maritime, and bankruptcy jurisdiction. [Art. III, Sec. 2]
4. The supremacy of the Constitution over the abovementioned items 1 to 3. [Art. VI]

In order for the appellant to be subject to any of the above, he had to willingly, knowingly, and voluntarily consented to be a party to these items. To the best of his knowledge and belief, the

appellant has never been asked to consent to any one or all of the above items. The appellant, in fact, has not willingly, knowingly, and voluntarily consented to be personally subject to:

a. The Law of Nations.

b. The Law Merchant.

c. Admiralty laws.

d. Maritime laws.

e. Equity.

f. Bankruptcy laws.

g. The State of Delaware.

h. Anything other than the "Laws of Nature and of Nature's God".

Accordingly, the two (2) questions remain unresolved at this time, namely:

1) WHERE IS THE CONTRACT ?

2) WHERE'S THE "GOTCHA" ?

The appellant has the Right to be informed of the nature and cause, and the appellee will not inform the appellant.

REASONS WHY THE QUESTIONS PRESENTED REQUIRE PLENARY CONSIDERATION WITH BRIEFS ON THE MERITS AND ORAL ARGUMENT FOR THEIR RESOLUTION

This section is required by the court, and not by the appellant. So far as the appellant, who is not a lawyer, can see, there is no real need for briefs on the merits and oral argument, at this time.

The appellant is merely seeking to have this Court determine that the appellee's Supreme Court of the State of Delaware erred in dismissing "Demand For A Writ Of Prohibition, Or In The Alternative, For A Writ Of Injunction, Or Both".

It may happen that the appellee will oppose the appellant in such a way as to make briefing and oral arguments a necessity. In that situation, the appellant reserves the right to be heard.

CONCLUSION

The appellee erred in bringing matters before its grand jury.

The appellee's Superior Court of the State of Delaware [New Castle County] erred in not withdrawing a false and fraudulent indictment, and in not dismissing the case.

The appellee's Supreme Court of the State of Delaware erred in dismissing the appellant's Demand For A Writ Of Prohibition, Or In The Alternative, For A Writ Of Injunction, Or Both.

The order of the Supreme Court of the State of Delaware dismissing the appellant's Demand For A Writ Of Prohibition, Or In The Alternative, For A

Writ Of Injunction, Or Both, must be reversed and remanded.

Dated: July 16, 1985

Scott G. Edgerton

SCOTT G. EDGERTON
Appellant
R.D. #1, BOX 106
KENNEDYVILLE, MD 21645

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the above-captioned Jurisdictional Statement by regular mail, with postage prepaid, to:

Office of Charles M. Oberly, III
Attorney General
State of Delaware
French and King Streets
Wilmington, DE 19801

Scott G. Edgerton

SCOTT G. EDGERTON

APPENDIX

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IN THE SUPREME COURT OF THE
STATE OF DELAWARE

"IN RE THE PETITION OF SCOTT G. EDGERTON FOR A WRIT OF PROHIBITION OR IN THE ALTERNATIVE, FOR A WRIT OF INJUNCTION, OR BOTH,	§ § § § § § § § §	No. 183, 1985

Submitted: June 11, 1985
Decided: June 14, 1985

Before McNEILLY, HORSEY, and Moore, Justices.

O R D E R

This 14th day of June, 1985, it appears that:

1) The petitioner, SCOTT G. EDGERTON, was indicted by the Grand Jury on three counts of Failure to File a Personel Income Tax Return in violation of 30 Del.C. §1233.

2) The petitioner has filed a document captioned "A Demand for a Writ of Prohibition, or in the alternative, for a

Writ of Injunction, or Both" in this Court alleging that the indictment entered against him was false and fraudulent and should be withdrawn and that the case should be dismissed for lack of jurisdiction.

3) The State has filed an Answer denying that the petitioner has been unlawfully summoned to appear in the Superior Court of the State of Delaware and denying that the petitioner will be deprived of any constitutional rights. The State has also moved to dismiss the petition on the ground that it is clear on its face that the Superior Court has jurisdiction to try criminal charges.

4) It is clear that the Superior Court was exercising original jurisdiction based upon the indictment in the criminal case. Furthermore, the indictment, on its face, alleges an offense. 30 Del.C. §1233.

5) A petition for a Writ of Prohibition lies only to challenge the jurisdiction of the lower court. Matushefske v. Herlihy, Del. Supr., 214 A-2d 883 (1965). It will not lie when there is an adequate remedy such as an appeal. Rodgers v. State, Del. Supr., 457 A.2d 727 (1983); Hodsdon v. Superior Court, Del. Supr., 239 A.2d 222 (1968). Therefore, a Writ of Prohibition is not available to circumvent our general jurisdiction which is limited to the review of Superior Court proceedings in criminal cases, only after they have reached final judgment. Del. Const. Art. IV, §11; Hodsdon, 239 A.2d at 224. The petitioner, if convicted, has adequate remedy of an appeal available for his claims.

6) The alternative claim for an injunction is also inappropriate because a writ of prohibition is the legal equivalent of an injunction. Abrahams v. Superior

Court, Del. Supr., 131 A.2d 662, 670-71 (1957). Edgerton's petition must therefore be dismissed because it is clear on the face of the petition that the Superior Court has jurisdiction to try the criminal charges.

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of prohibition, or in the alternative, for a writ of injunction, or both be, and the same hereby is,

DISMISSED.

BY THE COURT:

/S/ A.G. MOORE II
Justice"

IN THE SUPERIOR COURT OF THE STATE
OF DELAWARE
IN AND FOR THE NEW CASTLE COUNTY

THE STATE OF DELAWARE	)	#85002303
	)	
VS.	)	CLAIM AND DEMAND
	)	WITH NOTICE.
SCOTT G. EDGERTON	)	

PLEASE TAKE NOTICE that the de facto defendant, SCOTT G. EDGERTON, claims and demands, as follows:

1. That he is a sovereign citizen of the State of Maryland, who has sworn to support and defend the Constitution of the United States of America, and,

2. That this Court cannot lawfully proceed against him for Want of Jurisdiction because:

COUNT 1. UNLAWFUL SUMMONS

3. The "summons" as issued, alleges

violations of the Deleware Code of 1953, and the de facto defendant is summoned to answer violations of the Deleware Code of 1953 (X-1).

4. There is no "indictment" or "information" attached to said summons which alleges violations of the Deleware Code of 1953.

5. The summons is unlawful on its face.

6. The jurisdiction of this Court not having been invoked, this Court cannot lawfully proceed, for Want of Jurisdiction.

COUNT 2. UNLAWFUL INDICTMENT

7. The "indictment" is unlawful for a number of reasons, which will be explained

further on in this writ. However, this Court cannot proceed on said "indictment" since there is no summons attached which covers the allegations of violations of the Deleware Code of 1974, as amended.

8. In other words, the summons issued does not match up with the indictment. The de facto defendant has not been lawfully summonsed into this Court. The jurisdiction of this Court has not been lawfully invoked by the State of Deleware. This Court cannot lawfully proceed, for Want of Jurisdiction.

COUNT 3. UNLAWFUL INDICTMENT

9. The Grand Jury falsely charges that the de facto defendant is a "person required by 30 Del. C. §1161 to file personal income tax returns". The State income tax "laws" are essentially "piggy

back" to the "federal income tax laws", as set forth in 30 Del. C. §1161 (1)(A), (3)(A). (X-2, X-3).

10. The de facto defendant is NOT a person required to file a federal income tax return. Accordingly, the de facto defendant is not required, by law, to file a State tax return under 30 Del. C. §1161 (1)(A), et seq.

11. The de facto defendant has not had any taxable gross income generated within the State of Deleware for that taxable years covered by said "indictment". Accordingly, the de facto defendant is not required, by law, to file a State tax return under 30 Del. C. §1161 (1)(B), et seq.

12. The "indictment" is false and

fraudulent on its face.

13. This Court does not possess any judicial Powers to proceed on the basis of a false and fraudulent indictment. This Court cannot lawfully proceed in this matter for Want of Jurisdiction.

COUNT 4. THE UNLAWFUL GRAND JURY PROCEEDINGS

14. The de facto defendant was never invited to appear before the Grand Jury to testify, or produce evidence of any kind. Said defendant was denied due process rights because of the secret and biased Grand Jury proceedings. The Grand Jury, in fact, did not render an indictment based upon the facts. Said Grand Jury was impanelled for an unlawful purpose, namely, the lynching of the de facto defendant.

15. Had the de facto defendant been invited to testify before the Grand Jury, he probably would have given factual proof that:

a. The federal "income tax laws" do not exist, according to the Congress of the United States of America.

b. The United States Code does not lawfully exist, according to the Congress of the United States of America.

c. The Deleware "income tax laws", which are piggy-back "laws" to the non-law federal "income tax laws", do not lawfully exist.

d. The 16th Amendment to the U.S. Constitution was never lawfully ratified, does not lawfully exist, and any reliance upon it by Attorney General OBERLY is fraud and deceit.

e. Even if such "income tax laws" did exist, there is no evidence that

the de facto defendant is "a person required to file income tax returns", State or Federal.

16. The SECRET Grand Jury proceedings allowed the Attorney General to tamper with said Grand Jury, which is a crime; and also allowed the Attorney General to achieve an unlawful purpose, namely, the planned lynching of the de facto defendant.

17. The SECRET Grand Jury proceedings were planned so that the Grand Jury would not be made aware that it was being used, abused, and made to serve an unlawful purpose, in violation of the due process protections guaranteed and mandated in the Constitutions, both State and Federal.

COUNT 5. EQUITY JURISDICTION DENIED

18. The de facto defendant herein rejects the equity jurisdiction of this Court, and all that such rejection implies. Defendant has never been asked to enter into the equity jurisdiction of this Court, so he could never have consented to said equity jurisdiction, for any reason. To avoid any possibility of misunderstanding by anyone, the de facto defendant is now on record as having rejected the equity jurisdiction of this Court in this matter."

COUNT 6. DISCLAIMER.

19. In order to adequately protect his rights, the de facto defendant SCOTT G. EDGERTON, cannot avoid addressing the "law", "case law" and "rules" cited in the false and fraudulent summons and

indictment. In so doing, the Appellant does not in any way waive any of his rights, nor can he lawfully be subjected to "equity law" without his consent. The de facto defendant will continue to rely upon genuine LAW, i.e. the Constitution of the United States, the State constitutions of Maryland and Deleware, and those laws enacted in Pursuance of said Constitutions, which SUPPORT (and in turn are supported by) said Constitutions.

CLAIMS AND DEMANDS.

1. The de facto defendant claims that the Attorney General has tampered with the Grand Jury, in order to obtain an unlawful, false and fraudulent indictment, and to entrap the de facto defendant into the equity jurisdiction of this Court.

2. The de facto defendant also claims that, as a sovereign citizen of the State of Maryland, the State of Deleware cannot proceed against him for Want of Jurisdiction over his person and property.

3. The de facto defendant further claims that, having sworn to support and defend the Constitution of the United States of America, he is possessed of ALL rights, privileges, and immunities that are guaranteed and protected by the Organic Laws of the United States of America. This Court is in Want of Jurisdiction to in any way infringe upon the Life, Liberty, or Property of the de facto defendant.

NOW THEREFORE, the de facto defendant demands that the false and fraudulent indictment herein, be withdrawn, and this case dismissed for Want of Jurisdiction.

Dated: May 28, 1985

Respectfully submitted by,

/s/

SCOTT G. EDGERTON
de facto Defendant
R.D. #1, Box #104
Kennedyville, MD 21645

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he sent a copy of the above-captioned CLAIM AND DEMAND WITH NOTICE was mailed by regular mail, with postage prepaid, to Attorney General CHARLES M. OBERLY, III, on May 28, 1985.

/s/

SCOTT G. EDGERTON

SUPREME COURT OF DELEWARE

Docket No. 183,1985

IN RE: SCOTT G. EDGERTON
R.D. #1, Box 106
Kennedyville, MD 21645

==========

DEMAND FOR WRIT OF PROHIBITION,
OR IN THE ALTERNATIVE,
FOR A WRIT OF INJUNCTION,
OR BOTH.

==========

NOW COMES THE DEMANDANT, SCOTT G. EDGERTON, to complain of an unlawful assumption of jurisdiction over the person of the demandant, as well as over the subject matter, by Superior Court Judge BERNARD BALICK, as follows:

1. The demandant had been unlawfully summoned to appear at the Superior Court of the State of Deleware in and for the County

of New Castle in an action entitled:

The State of Deleware	)	
	)	
v.	)	#85002303
	)	
Scott G. Edgerton	)	

2. The demandant responded by filing a "Claim And Demand With Notice", dated May 28, 1985, with the court. A photocopy of that Claim and Demand is attached hereto and made a part hereof.

3. Without addressing that claim, without the State of Deleware responding in any way to that demand, and in Want of Jurisdiction, Judge BALICK has ordered a jury trial to commence on June 19, 1985.

4. Since jurisdiction over the person

and the subject matter of that case has not been established, the demandant does not know what the basis of the jury trial will be, nor can he determine at this time, whether Judge BALICK will be acting in a ministerial role or in a judicial role.

5. Because of the Want of Jurisdiction, the demandant requires a writ of prohibition, if that "case" is of a judicial nature.

6. Because of the Want of Jurisdiction, the demandant requires a writ of injunction, if that "case" is of a ministerial nature.

7. Because of the uncertainty involved in the nature of the "case" in which Judge BALICK has usurped jurisdiction, the demandant may require both a writ of prohi-

bition and a writ of injunction.

Accordingly, justice requires the immediate issuance of the above-mentioned writs of prohibition and injunction directed against Superior Court Judge BERNARD BALICK, in order to preserve the God-given, unalienable, and Constitutionally protected and guaranteed rights of the demandant.

Dated: June 10, 1985

/s/
SCOTT G. EDGERTON
R.D. #1, Box 106
Kennedyville, MD 21645

CERTIFICATE OF SERVICE

The demandant certifies that a copy of the above demand has been served on the date filed, by regular mail, with postage prepaid, in an envelope properly addressed to:

BERNARD BALICK, Judge
Superior Court
Eleventh and King Streets
Wilmington, Del. 19801

CHARLES M. OBERLY, III
Attorney General
State of Deleware
Wilmington, Del. 19801

/s/
SCOTT G. EDGERTON

SUPREME COURT OF DELAWARE

Docket No. 183,1985

IN RE: SCOTT G. EDGERTON
R.D. #1, Box 106
Kennedyville, MD 21645

==========

REPLY TO STATE'S MOTION TO DISMISS

==========

The demandant, SCOTT G. EDGERTON, is in receipt of a document purporting to be the "Answer of the State of Delaware and Motion to Dismiss".

There is no need for the demandant to argue the merits of this "case" before this Court at this time, nor would it be proper for him to do so. The only matter before this Court is the Want of Jurisdiction of

the lower court, and the need for a writ of prohibition to protect the demandant from Judge BALICK usurping jurisdiction over the person of the demandant, as well as over the subject matter involved in that "case".

The demand for writ of prohibition and/or writ of injunction, or both, stands on its own merits. No further arguments are necessary or proper.

However, since the State has undertaken to enter an answer, as well as to move for dismissal, the State has made it necessary for the demandant to respond to that answer and motion.

POINT 1. The State suggests that Criminal Rules apply to this matter. That is untrue. The Criminal Rules are NOT LAW, and are only binding upon attorneys who

practice before, and are officers of, this court. They do not in any way apply to the demandant, especially since the demandant is a private, unenfranchised citizen who is asserting and protecting his God-given unalienable, Constitutional, and Civil rights.

POINT 2. "On June 10, 1985, treating the "Claim and Demand" as a motion to dismiss, Judge ROBERT C. O'HARA denied the motion from the bench". Judge O'HARA erred in many ways, not the least of which is his interference in Judge BALICK's assigned case.

"Dismissal. An order or judgment finally disposing of an action, suit, motion, etc., without trial of the issues involved. Such may be either voluntary or involuntary. Fed. R. Civil P. 41." (emphasis added) Black's Law Dictionary, 5th edition, at page 421.

Judge O'HARA erred in converting a

Claim and Demand in an alleged CRIMINAL case, into a motion to dismiss, which is a CIVIL procedure, and then granting dismissal.

POINT 3. The State further suggests that "appeal" may be the proper remedy, which is a downright lie.

"Appeal. Resort to a superior (i.e. appellate) court to review the decision of an inferior (i.e trial) court or administrative agency." Black's 5th ed, at page 88.

Appeal is only a proper remedy to review a decision of a trial court of competent jurisdiction, and in a case in which the jurisdiction of said court has been established [or at least not challenged]. The State has not demonstrated that the Superior Court is such a court, nor can it.

For the State to suggest that the demandant must first undergo the ordeal and expense of an unlawful trial in order to establish his "appeal" rights, is absurd.

For the State to suggest that the demandant "will be afforded his Constitutional right to trial at which time he can interpose any legitimate defense or challenge to the State's case", is equally absurd. How do you challenge the jurisdiction of the court AFTER you have granted it jurisdiction by permitting a trial to be held in Want of Jurisdiction?

Even more important, the demandant has no obligation to the State of Delaware whatsoever. It is neither his duty, nor his obligation, to undergo the ordeal and expense of an unlawful trial in order to point out to the State of Delaware the

defects in its system of taxation. That is the duty and responsibility of the People of the State of Delaware. The demandant, as a citizen of the State of Maryland, has only the duty and responsibility of keeping the State of Maryland straight.

POINT 5. For the State to suggest that the demandant go to trial and seek "discovery under Superior Court Criminal Rule 16", is absurd. The lawful basis, and the jurisdiction of the Superior Court, have to be factually proven and established BEFORE it can lawfully impanel a Grand Jury. This, of course, must precede "discovery".

POINT 6. The State suggests that it has established clear jurisdiction to try this case based on the indictments, each alleging a crime. This is untrue, because

the Grand Jury was entrapped into returning the indictments by the State. The demandant was never invited to testify before that Grand Jury, and in fact, he never did so testify. The Grand Jury only heard and determined what the State wanted it to hear and determine. The indictment is FRAUD perpetrated and executed against the demandant by the State's Attorney General, and/or his agents.

POINT 7. The State suggests as a "defense" that the "petition" does not state a claim upon which relief can be granted. This is also untrue. The demandant has not made any "petition" to this Court. The demandant has entered a DEMAND upon this Court which cannot lawfully be ignored or denied by this Court. The only reason that the demandant is compelled to resort to making demands upon this court, is the

now factually proven and established willingness of the lower court to proceed in Want of Jurisdiction; as well as the Attorney General's willingness to do so. If that lawlessness were permitted, both the Executive and Judicial departments would effectively have a license to trample upon the God-given unalienable, Constitutional, and Civil rights of the demandant.

CONCLUSION

The "answer and motion" are a deliberate series of lies put before this Court for the purpose of having this Court aid and abet the FRAUD perpetrated and practiced against the demandant by the Executive and Judicial agents of the State of Delaware.

The whole plan and purpose of the

rigged Grand Jury "indictment", and the case in the lower court, was EXTORTION from, and ENTRAPMENT of, the demandant.

The demandant has asserted his rights, and will continue to do so. The demandant has no quarrel with the State of Delaware, or with its "system of taxation" as it is applied to the People of the State of Delaware. Said "taxation" simply does not apply to the demandant. The demandant does not wish to dismantle the State's method of finance. However, if pressed to continue, the demandant can, and will, proceed through the courts in such a manner that the Supreme Court of the United States will declare the State's "income tax" system unconstitutional. This is not a threat. It is a promise that the demandant is fully capable of keeping.

The demandant is entitled to a Writ of Prohibition, as well as to a Writ of Injunction, as demanded.

Dated: June 14, 1985

/s/
SCOTT G. EDGERTON
R.D. #1, Box 106
Kennedyville, MD 21645

CERTIFICATE OF SERVICE

The demandant certifies that a copy of the above demand has been served on the date filed, by regular mail, with postage prepaid, in an envelope properly addressed to:

BERNARD BALICK, Judge
Superior Court
Eleventh and King Streets
Wilmington, Del. 19801

CHARLES M. OBERLY, III
Attorney General
State of Deleware
Wilmington, Del. 19801

/s/
SCOTT G. EDGERTON